

STEVEN J. CLEWIS, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 1:08CV0133 JCH  
)  
)  
MICHAEL J. ASTRUE, )  
COMMISSIONER OF SOCIAL SECURITY, )  
)  
Defendant. )

This matter arises on the Report and Recommendation of United States Magistrate Judge David D. Noce, filed February 1, 2010. See 28 U.S.C. §636. In his report, Magistrate Judge Noce recommends that the Court affirm the decision of the Commissioner, and dismiss Plaintiff's Complaint with prejudice. Plaintiff was granted until February 15, 2010 to object to the recommendation, but to date has filed no objections.

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge (Doc. No. 25) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

Dated this 17th day of February, 2010.

UNITED STATES DISTRICT JUDGE